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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,966	01/18/2002	Mu-III Lim	CP-1230 (G-271ML)	3345

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THE PROCTER & GAMBLE COMPANY  
Global Legal Department - IP  
Sycamore Building - 4th Floor  
299 East Sixth Street  
CINCINNATI, OH 45202

EXAMINER
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CHANNAVAJJALA, LAKSHMI SARADA

ART UNIT	PAPER NUMBER
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1611

MAIL DATE	DELIVERY MODE
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07/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/052,966	<b>Applicant(s)</b> LIM ET AL.	
	<b>Examiner</b> Lakshmi S. Channavajjala	<b>Art Unit</b> 1611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-9, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Receipt of amendment and remarks dated 4-25-08 is acknowledged.

Claims 1-3, 7-9 and 25-26 are pending. Claims 1-3, 7-9 and 25 have been examined.

#### ***Response to Arguments***

1. Applicant's arguments filed 4-25-08 have been fully considered but they are not persuasive.

Rejection of claims 1 and 25 under 35 USC 103(a) as being unpatentable over DE 4429344 to Rose et al: A detailed explanation of the rejection is found in the last office action.

A complete machine translated document is attached to this action.

Applicants argue that the claimed 2-aminomethyl substituted compounds are dye couplers and in contrast the compounds of Rose can undergo coupling only 6 position because of the unsubstituted 2-position is too sterically hindered by hydroxyl groups to undergo coupling. For this reason applicants argue that the two compounds would not be expected to possess similar properties, contrary to the assertions of the office. It is argued that consequently the hair coloring composition of Rose gives a different color than a composition containing instant compounds. Applicants' arguments are not persuasive because the rejection stated that structurally similar compounds are expected to render similar properties but not same properties. Accordingly, the argued differences in the ability to couple and also the ability to color the hair, though not present in the claims would have been expected by one of an ordinary skill in the art. Further, a complete machine translation attached to this action shows that the

Art Unit: 1611

compounds of Rose et al possess good hair coloring properties, which is in contrast to the arguments presented by applicants.

Rejection of claims 1-3 and 25 under 35 USC 103(a) as being unpatentable over DE 4200534 to Konrad et al. A detailed explanation of the rejection is found in the last office action.

Applicants argue that for the reasons mentioned in response to the above rejection over Rose et al, instant compounds and that of Konrad are not expected to possess similar properties. However, as explained above, structurally similar compounds are expected to render similar properties but not same properties. Therefore the argued differences that the structurally similar compounds possess similar properties (not the same extent or intensity of hair coloring) would have been expected by one of an ordinary skill in the art. Moreover, instant claims do not recite the argued limitations and the claims are directed to only a compound not a composition or a method. Further, a complete machine translation attached to this action shows that the compounds of Konrad et al possess good hair coloring properties, which is in contrast to the arguments presented by applicants.

Rejection of claim 7-9 under 35 USC 103(a) as being unpatentable over DE 4200534 to Konrad or DE 4429344 to Rose et al in view of US 3951970 to Razdan. A detailed explanation of the rejection is found in the last office action.

It is argued that the compounds of the instant invention and the compounds of Rose and Konrad would not be expected to possess similar properties because of the reasons above. It is argued that even if the process of Razdan could be used to prepare the compounds of Konrad and Rose et al, such products would not be expected to possess properties similar to the properties of the claimed compounds. With respect to the Mannich reaction it is argued that the reaction of Mannich would not ensure proper substitution of aminomethyl group at the 2-position and that the compound of Razdan has an alkyl group at the 5-position, which sterically hinders the 4-position and the 6-position of the compound, thus ensuring that the amine group is substituted at the 2-position. It is argued that in the claimed process the reactant 2,6-dimethoxybenzaldehyde has no substituent at the 5-position thereby leaving the 4 and 6 positions open for substitutions by aminomethyl substituent. Applicants' arguments are not persuasive because as the rejection clearly explained that the compounds of Razdan are not the same as that claimed. However, Razdan describes the basic process of preparing aminomethyl benzenediol compounds by mixing methoxybenzene, aldehyde and amine in one step and therefore employing an art recognized reaction such as taught by Razdan to prepare compounds (of Rose or Konrad) that are

Art Unit: 1611

structurally similar to the instant compounds would have been within the scope of a skilled artisan.

Newly submitted claim 26 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The newly added claim 26 is directed to a hair dye composition, which requires other components in addition to the compound of claim 1 and is not required for claim 1. Hence the invention is distinct.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 26 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 1611

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S. Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 9.00 AM -5.30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lakshmi S Channavajjala/  
Primary Examiner,  
Art Unit 1611  
July 17, 2008

Application/Control Number: 10/052,966  
Art Unit: 1611

Page 7